

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA
3

4 IN RE: DIET DRUGS (PHENTERMINE,
5 FENFLURAMINE, DEXFENFLURAMINE)
6 PRODUCTS LIABILITY LITIGATION

) MDL NO. 1203
) MDL CASE NO. 2:03-cv-20167-HB
) CIV. NO. CAC 2 03-1366

6 THIS DOCUMENT RELATES TO:

) **STIPULATION RE: DISMISSAL AND**
) **PRETRIAL ORDER NO. 3118**

7 LAUREN LEVINE and DAVID LEVINE,

8 Plaintiff,

9 vs.

10 AMERICAN HOME PRODUCTS
11 CORPORATION; WYETH-AYERST, A
12 DIVISION OF AMERICAN HOME
13 PRODUCTS CORPORATION; WYETH-
AYERST LABORATORIES COMPANY;
14 A.H. ROBINS COMPANY, INC.; and DOES 1
to 100, Inclusive,

14 Defendants.

15
16 AND NOW, this 12th day of November 2003, it is hereby STIPULATED, ORDERED,
17 ADJUDGED and DECREED pursuant to Federal Rules of Civil Procedure, Rule 41(a)(1)(ii),
18 that the claims in the Complaint in the above-captioned matter are hereby DISMISSED
19 WITHOUT PREJUDICE as to all remaining defendants with each party to bear its own costs and
20 counsel fees.

21 In the event that Plaintiffs refile any claim or action arising out of the use of Pondimin or
22 Redux, Plaintiffs shall refile such claim or action in federal court only.

23 This Stipulation is filed on behalf of all remaining defendants who have appeared in the
24 above-captioned matter, those being WYETH¹ and AHP SUBSIDIARY HOLDING


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26 ¹ On March 11, 2002, American Home Products Corporation ("AHP") changed its named to Wyeth. Wyeth
27 therefore submits this Stipulation Re: Dismissal and Pretrial Order on behalf of AHP and its unincorporated Wyeth
28 pharmaceuticals division, formerly known as Wyeth-Ayerst Laboratories Division of AHP, and sued herein as
"Wyeth-Ayerst, A Division of American Home Products Corporation." Wyeth also submits this Stipulation Re:
Dismissal and Pretrial Order on behalf of A.H. Robins, Inc., which merged with AHP on August 3, 1998, and ceased
to exist as a separate entity.

(Footnote continued)

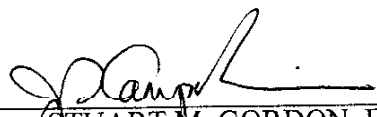
Gordon & Rees LLP
Embarcadero Center West
275 Battery Street, Suite 2000
San Francisco, CA 94111

1 CORPORATION²; and DOES 1 to 100, Inclusive, against whom the claims in the complaint
2 shall be dismissed in their entirety by the Court's approval of this Stipulation.

3 DATED: November 7, 2003


4
5 By 
6 MARK P. ROBINSON, JR., ESQ.
7 CARLOS A. PRIETTO III, ESQ.
8 ROBINSON, CALCAGNIE & ROBINSON
9 620 Newport Center Drive, 7th Floor
10 Newport Beach, CA 92660
11 Attorneys for Plaintiffs
12 LAUREN LEVINE and DAVID LEVINE

11 DATED: November 10, 2003

12
13 By 
14 STUART M. GORDON, ESQ.
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25 Attorneys for Defendants
26 Wyeth and AHP Subsidiary Holding Corporation

22 APPROVED AND SO ORDERED:

23
24 
25 Harvey Bartle, III, J.
26

27 ² On June 30, 2001, Wyeth-Ayerst Laboratories, Inc. merged with and into AHP Subsidiary Holding Corporation, a
28 wholly owned subsidiary of Wyeth. AHP Subsidiary Holding Corporation therefore submits this Stipulation Re:
Dismissal and Pretrial Order on behalf of Wyeth-Ayerst Laboratories Company.